



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,530	01/17/2001	Robert Berliner	169-274	6423
62836 7590 12/31/2007 BERLINER & ASSOCIATES 555 WEST FIFTH STREET 31ST STREET LOS ANGELES, CA 90013			EXAMINER LANEAU, RONALD	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/764,530	BERLINER, ROBERT	
	Examiner	Art Unit	
	Ronald Laneau	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,10,11,14-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-8, 10, 11, 14-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Appeal Brief

1. In view of the Appeal Brief filed on 10/11/07, PROSECUTION IS HEREBY REOPENED. A new ground of rejection sets forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-7, 10, 11, 14-16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dworkin (US 4,992,940).

As to claims 1 and 11, Dworkin discloses: a method of doing business on the world wide web (see fig. 1, network), comprising the following steps: a method of doing business on the

world wide web, comprising the following steps: (1) a provider provides and displays information on a web site about the repair of various devices, the information including graphics in the form of a photograph or other illustration depicting the device, depicting a plurality of replaceable parts thereof, and depicting the relationship of said parts to the device (see figs. 3-7); (2) a user uses a mouse to click on said displayed graphics representing a replaceable part of a device (see figs. 3-5; user selects the products to be replaced); (3) in response to step (2), information is electronically provided to the user, the information comprising a list of one or more manufacturers or vendors of the part selected by the user (see fig. 6); and (4) the user uses a mouse to click on one of the manufacturers or vendors in the list can to obtain information about the part needing replacement, or to purchase the part needing replacement (see fig. 6; user selects which manufacturer to purchase the parts from and make a purchase).

As to claims 5 and 14, Dworkin discloses a system and method wherein the user is directed to a web site of the manufacturer or vendor (see fig. 6).

As to claims 6 and 15, Dworkin discloses a system and method wherein the web site of the manufacturer or vendor is its Site home page (see figs. 6 and 7).

As to claims 7 and 19, Dworkin discloses a system and method wherein the web site of the manufacturer or vendor is a site page on which information on the product is displayed (see figs. 5-7).

As to claims 10 and 20, Dworkin discloses a system and method wherein: wherein by clicking one of the manufacturers or vendors, the user is directed to an order page (see figs. 3-6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin (US 4,992,940) in view of Messer (US5991740).

As to claim 8, Dworkin does not disclose a site page specifically setup to receive referrals wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site. Messer is used to disclose a site page set up to receive referrals from another web site and to compensate the owner of the referring web site (col. 3, Ln. 25-30; Col. 4, Ln. 47-60; col. 9, Ln. 50-55); wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site. Messer further discloses a method wherein the provider derives revenue from making one or more of said items of information available by one or more of the following activities: (a) direct sale of one or more replacement parts to the user, (b) obtaining referral fees or commissions from a manufacturer or other vendor of the one or more of the parts, or (c) gathering consumer information from the user's activities on the web site.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the referrals as taught by Messer into the combined systems of Dworkin

because it would provide the ability of widespread advertising and promotion for a part/item would be achieved, as taught by Messer.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 5-8, 10, 11, 14-17 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

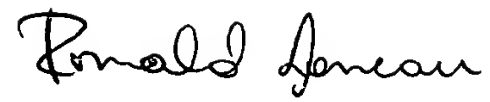
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:
09/764,530
Art Unit: 3714

Page 6



Ronald Laneau
Primary Examiner
Art Unit 3714

12/26/07